



Ben Summers

Call: 1994

From 14th April 2020 Ben is working at Hogan Lovells for 12 months as part of its Litigation and Arbitration group. He remains in chambers to keep conduct of a limited number of matters. Please contact the clerks for more information.

Ben Summers has a practice in business crime, professional discipline, public inquiries and inquests, and regulatory matters, with specialist experience in data protection issues.

Ben was called to the Bar in 1994 and following a civil pupillage, he joined QEB Hollis Whiteman where he was in independent practice for eight years. He then joined leading white collar solicitors firm Peters & Peters in March 2003 and transferred to become a solicitor in November 2004; he was appointed as a partner in November 2007. In May 2009 Ben resumed independent practice at the Bar and joined Three Raymond Buildings.

Data Protection

Ben provides advice on the drafting of policy, ongoing implementation and training to businesses concerned to comply with their GDPR and DPA 2018 obligations. He has also acted for individuals and corporates in Information Commissioner's Office investigations including matters involving high profile losses of data by public bodies and where data protection issues arise in the context of criminal or regulatory investigations and proceedings. He regularly acts for the ICO and has acted in some of the most significant cases of the last 20 years including the Cambridge Analytica investigation, the first prosecution for conspiracy to commit offences under the DPA 1998, the first prosecution of enforced subject access and in the Public Inquiry into Undercover Policing. Ben has also advised government departments and public bodies on Freedom of Information Act 2000 matters.

Notable Data Protection cases

- **Cambridge Analytica**
Acting for the ICO in its investigation of Cambridge Analytica and SCL Elections Ltd.
- **Op Millipede/Op Spruce**
Advising various parties on legal issues arising from the NCA and ICO investigations.
- **R v Hiscox Insurance**
Acting for the ICO in its prosecution of the 'enforced subject access' offence under section 56 of the DPA 1998.
- **Public Inquiry into Undercover Policing**
Advising, and appearing on behalf of, the ICO on issues relating to the gathering, handling and disclosure of sensitive personal data in the context of the public inquiry.

Bribery & Corruption

Ben has acted for national and multi-national corporates and individuals in anti-bribery investigations and enforcement proceedings. He also gives advice on compliance policy and implementation in order to comply with UK, USA and supra-national (OECD & UN) obligations.

Notable Bribery & Corruption cases

- **R v Bertling Freight Handling Ltd**
Acting for the first defendant in the SFO prosecution of the company and its senior officers for conspiracy to corrupt a representative of the Angolan government in the oil sector.
- **R v E**
Acted for a local council leader charged with misconduct in a public office and fraud.
- **R v Innospec**
Acted for a senior director investigated and subsequently charged in the SFO investigation into corruption in the oil industry.
- **R v BAE Systems**
Acted for a senior director within BAE who was under investigation by the SFO.

Business Crime

Advice and representation in a wide range of fraud and anti-trust/cartel investigations and prosecutions brought by a range of bodies including the SFO, OFT/DOJ & SEC/EU, SOCA, DBIS, CPS and HMRC. Also experienced in cross-jurisdictional investigations and mutual assistance requests made by, and of, the UK.

Notable Business Crime cases

- **R v JM**

Leading for the first defendant in three month trial into an allegation that a team of cardiothoracic clinicians defrauded the NHS during their employment at Basildon & Thurrock University Foundation Trust Hospital over a four year period.

- **Torex Retail Plc**

Acting for the group finance director in a three month SFO prosecution in Oxford arising from the collapse of the Torex group of companies in 2007. The trial focussed on detailed group accounting issues and treatment of revenues.

- **Vantis Tax Ltd**

Acted for a company director in the HMRC prosecution of tax planning scheme operated by VTL.

Financial Services

Advice to corporate and individual clients subject to FCA enforcement activity and in relation to non-contentious FSMA issues including advice on RTC and RDC decisions. Ben has provided advice to, and worked with, the FCA in relation to criminal matters and proceedings before the RDC relating to allegations of insider dealing and market abuse, and matters arising from its investigation of allegations of LIBOR manipulation.

Notable Financial Services cases

- **R v X & Y**

Advising the FCA during the latter stages of the investigation, and subsequent prosecution of, individuals alleged to have engaged in insider dealing.

- **R v MN & Others**

Acting for the defence in the FCA prosecution of a 'boiler room' land banking fraud.

- **R v RF & Others**

Acting for the first defendant in a prosecution of a wine investment fraud.

- **LIBOR**

Worked at the FCA preparing submissions to the RDC in relation to allegations of LIBOR fixing.

Inquests & Public Inquiries

Acting for a range of core participants and witnesses before public inquiries, and for interested parties in Article 2 and non-Article 2 inquests.

Notable Inquests & Public Inquiries cases

- **Re J**

Acting for officers in the inquest into the death of a young man on a moped following a police pursuit, and in associated judicial review proceedings.

- **Re R**

Acting on behalf of the MPS in an inquest into the death of a man under the care of mental health services in central London.

- **Re B**

Acted for a care home provider in the inquest into the death of elderly resident.

- **Baha Mousa Public Inquiry**

Acted for the Commanding Officer of the Battalion which detained Baha Mousa.

Notable Cases

Data Protection

Cambridge Analytica

Acting for the ICO in its investigation of Cambridge Analytica and SCL Elections Ltd.

Op Millipede/Op Spruce

Advising various parties on legal issues arising from the NCA and ICO investigations.

ICU Investigations Ltd

Acted for the ICO in the first prosecution of a conspiracy between a company, its officers and its employees to commit section 55 'blagging' offences.

Minera Tyres Ltd

Acted for the ICO in the first prosecution of the section 56 'enforced subject access' offence.

Bribery & Corruption

R v Bertling Freight Handling Ltd

Acting for the first defendant in the SFO prosecution of the company and its senior officers for conspiracy to corrupt a representative of the Angolan government in the oil sector.

R v E

Acted for a local council leader charged with misconduct in a public office and fraud.

Innospec Inc

Acted for a senior executive in relation to the SFO and DOJ investigations.

Johnson & Johnson

Acted in the UK arm of the investigation into bribery committed by an acquired subsidiary in Europe; inquiry followed voluntary disclosure by the US parent to the DOJ and SEC.

Astra Zeneca

Acted in an SFO investigation relating to the UN Oil For Food Programme. Also dealt with related issues in the US with the Department of Justice and connected civil proceedings.

Business Crime

R v JM

Leading for the first defendant in three month trial into an allegation that a team of cardiothoracic clinicians defrauded the NHS during their employment at Basildon & Thurrock University Foundation Trust Hospital over a four year period.

Torex Retail plc

Acting for the group finance director in a three month SFO prosecution in Oxford arising from the collapse of the Torex group of companies in 2007. The trial focussed on detailed group accounting issues and treatment of revenues.

Vantis Tax Ltd

Acted for a company director in the HMRC prosecution of tax planning scheme operated by VTL.

Financial Services

R v NM & Others

Acting for the defence in the FCA prosecution of a 'boiler room' land banking fraud.

R v RF & Others

Acting for the first defendant in a prosecution of a wine investment fraud.

LIBOR

Worked at the FCA preparing submissions to the RDC in relation to allegations of LIBOR fixing.

R v TA

Acting as junior counsel for German national charged by the FSA with insider dealing at Mizuho Bank.

R v DM

Acted for the defendant who was prosecuted by the FSA, for what it called a 'boiler room' scam.

Public Inquiries

Baha Mousa Public Inquiry

Acted for the Commanding Officer of the Battalion involved in the Baha Mousa Public Inquiry.

Inquests

Re W

Acting on behalf of the MPS in an inquest into the death of a young man in South London.

Re R

Acting on behalf of the MPS in an inquest into the death of a man under the care of mental health services in central London.

Re C

Acting on behalf of the MPS in an inquest into the death of a young man in South London.

Re W

Acted for an Acting Inspector and Chief Inspector in Northumbria police in relation to a MISPER enquiry.

Re K

Acting for a member of civilian staff employed by Met Police operating in the Central Command Centre during a foot chase and containment of a male who entered railway tracks and was struck by a train.

Re M

Acting for a number of Serco employees in relation to a death in HMP Wormwood Scrubs.

Memberships

- Association of Regulatory & Disciplinary Lawyers
- CBA
- IBA
- South Eastern Circuit

Education

- Inns of Court School of Law (1993-1994)
- LLB (Hons), University of Sussex (1990-1993)

Publications

- Data Protection training tailored to suit, and delivered to, city law firms.
- Author of data protection content provided by Practical Law and Lexis Nexis.
- *Bribery & Corruption* Study Pack College of Law.

Appointments

- Advocacy Trainer, Inner Temple (2017-)
- Authorised Pupil Supervisor
- Chairman of the Fraud Advisory Panel's Data Protection Sub-Committee

Accreditations

